

REMARKS

As a preliminary matter, the Examiner is reminded that during the telephone conversation between the Examiner and Laura Wanek that took place on or about November 24, 2004, the Examiner disclosed to Ms. Wanek the following two references, which are not yet of record: (1) JP 09212869; and (2) US 5,872,750. Applicant respectfully requests that the Examiner make these two new references of record in a Notice of References Cited Form (Form PTO-892).

The Examiner objected to the specification for allegedly failing to provide proper antecedent basis for the phrase “increments of one integer,” which was added to Claims 1, 3, 5, 7, 8, 9, and 10 in Amendment C. Although Applicant believes that this phrase was properly supported in the original specification (such as on page 12, lines 12-19; in Figure 2; and by the numerous references to “consecutive numbers”), Applicant has removed the phrase at issue from the claims in order to expedite prosecution. In its place, Applicant has amended the claims to include the phrase “wherein said consecutive numbers increment one by one” (where the added language has been underlined). Applicant respectfully submits that this language is supported by the original specification (such as on page 12, lines 12-19; in Figure 2; and by the numerous references to “consecutive numbers”).

Claims 1-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has cancelled Claims 1 and 2, without

prejudice, thereby rendering this rejection moot with respect to these claims. Further, with respect to Claims 3-6, Applicant has amended independent Claims 3 and 5 to recite that the medium is “capable of storing information” (as opposed to being “capable of recording and/or reproducing information,” as originally claimed). Applicant respectfully submits that the language of Claims 3-6 is clear for the purposes of 35 U.S.C §112, second paragraph, and withdrawal of this §112 rejection is respectfully requested.

Claims 1, 2, 7 and 9 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by United States Patent No. 6,058,099 to Senshu. Claims 1 and 2 have been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 7 and 9, Applicant respectfully traverses this rejection.

Applicant respectfully submits that all of the features of the present invention are not disclosed in the cited reference. More specifically, the Senshu reference fails to disclose the optical storage device of independent Claim 7 that includes, *inter alia*, a producing unit that produces logical block addresses for giving consecutive numbers first to the track addresses of one kind of tracks (either the land tracks or the groove tracks) and then to the other kind of tracks, where the numbers of the other kind of tracks are consecutive to those of the first kind of track, and further wherein the consecutive numbers increment one by one.

One example of an embodiment defined by Claim 7 is shown in Applicant's Figure 10. In this embodiment, the track addresses of the land tracks are numbered consecutively, and the groove tracks are also numbered consecutively. Further, the numbering of the groove tracks is consecutive to that of the land tracks (or vice versa), and the consecutive numbers increment on by one. For example, assume that the groove tracks in band 0 are numbered 0, 1, 2, 3, 4, 5, 6, 7, 8 and 9. Then, according to the numbering scheme of Claim 7, the groove tracks of band 1 would be numbered from 10-19; the groove tracks of band 2 would be numbered 20-29; and the groove tracks of band 3 would be numbered 30-39. Such a numbering scheme continues until reaching the final band (band n), which we will assume to have groove tracks numbered from 90-99. Next, the land tracks of band 0 are numbered consecutively from the last number of the last groove track. Thus, in this example, the land tracks of band 0 are numbered 100-109, and such numbering continues until all of the land tracks are numbered (e.g., band 1 land tracks are numbered 110-119; band 2 land tracks are numbered 120-129; etc.).

In contrast, in the device of the Senshu reference, the land tracks are assigned odd numbers and the groove tracks are assigned even numbers. Thus, in Senshu, the land tracks are not given consecutive numbers that increment one by one, as defined in Claim 7. Nor are the groove tracks given consecutive numbers that increment one by one, as also defined in Claim 7. Instead, the land tracks of Senshu increment two by two (1, 3, 5, 7, 9, etc.) and the groove tracks also increment two by two (0, 2, 4, 6, 8, 10, etc.). Accordingly,

for at least these reasons, Applicant respectfully requests the withdrawal of this § 102 (e) rejection of Claim 7.

Additionally, Applicant's Claim 9 defines, as a method, a similar numbering scheme to that defined in Applicant's apparatus Claim 7. Accordingly, for similar reasons to those discussed above, Applicant respectfully requests the withdrawal of this § 102 (e) rejection of independent Claim 9.

Claims 3-6, 8 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Senshu in view of United States Patent No. 6,215,758 to Horimai et al. Applicant respectfully traverses this rejection.

Applicant respectfully submits that all of the features of the present invention are not disclosed or suggested in the cited references. More specifically, with regard to independent Claims 3 and 5, the Senshu reference and the Horimai et al. reference fail to disclose or suggest mediums that include, *inter alia*, the claimed numbering schemes relied upon to assign track addresses to the land tracks and the groove tracks.

One example of an embodiment of the present invention that uses the numbering scheme defined by Claim 5 is shown in Figure 7. In this embodiment, the track addresses of the groove tracks are numbered consecutively, and the land tracks, in the same group (such as within the same band), are also numbered consecutively from the number of the highest number groove track within the same group. Further, the numbering of the groove tracks in the next group (such as the next band) is consecutive to that of the land

tracks from the previous group, and the consecutive numbers increment on by one. For example, assume that the groove tracks in band 0 (group 0) are numbered 0, 1, 2, 3, 4, 5, 6, 7, 8 and 9. Then, according to the numbering scheme of Claim 5, the land tracks of band 0 (group 0) would be numbered from 10-19. Next, the groove tracks of band 1 would be numbered 20-29, and the land tracks of band 1 would be numbered 30-39. Such a numbering scheme continues until reaching the final band.

With regard to independent Claim 3, the numbering scheme defined in this claim is very similar to that defined in Claim 5, except that the order for numbering the land tracks and the groove tracks is reversed. Thus, for example, the numbering scheme of a medium defined by Claim 3 may include the following: in band 0, the land tracks may be numbered from 0-9 and the groove tracks may be numbered from 10-19; then, in band 1, the land tracks would be numbered 20-29 and the groove tracks would be numbered 30-39. Such a numbering scheme would continue until all tracks were numbered.

In contrast, as mentioned above, in the device of the Senshu reference, the land tracks are assigned odd numbers and the groove tracks are assigned even numbers. Thus, in Senshu, the land tracks are not given consecutive numbers that increment one by one, as defined in independent Claims 3 and 5. Nor are the groove tracks given consecutive numbers that increment one by one, as also defined in Claims 3 and 5. Instead, the land tracks of Senshu increment two by two (1, 3, 5, 7, 9, etc.) and the groove tracks also increment two by two (0, 2, 4, 6, 8, 10, etc.).

Further, as correctly acknowledged by the Examiner, the Senshu reference does not disclose the disk being divided into a plurality of groups. Accordingly, the Examiner relied upon the Horimai et al. reference for this feature. However, even assuming *arguendo* that the Horimai et al. reference could be combined with the Senshu reference, the invention defined by independent Claims 3 and 5 does not result because there is no motivation to modify the odd/even numbering scheme of Senshu to result in the claimed consecutive numbers that increment one by one. Further, there is no disclosure or suggestion of the feature of the claimed numbering scheme defined in Claims 3 and 5 related to the manner in which the numbering of the groove track (or land track) of one group is consecutive to the numbering of the last land track (or groove track) from the previous group. Accordingly, for at least the reasons discussed above, Applicant respectfully requests the withdrawal of this § 103 rejection of independent Claims 3 and 5 and associated dependent Claims 4 and 6.

With regard to independent Claims 8 and 10, these claims also define numbering schemes similar to those of Claims 3 and 5, except as applied to logical block addresses. Applicant respectfully submits that the numbering scheme of Claims 8 and 10 is not disclosed or suggested in the cited references, as discussed above. Accordingly, Applicant respectfully requests the withdrawal of this §103 rejection of Claims 8 and 10


Further, Applicant respectfully submits that the subject matter defined by Claims 3-10 is also patentable over the new references discussed by the Examiner during the November 2004 telephone interview with Ms. Wanek. More specifically, it should be clear

from the discussion above that the claimed numbering schemes are not disclosed or suggested in JP 9212869, JP 9035272 and US 5,872,750.

For all of the above reasons, Applicant requests reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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